

1 Ford Greene
California State Bar No. 107601
2 HUB LAW OFFICES
711 Sir Francis Drake Boulevard
3 San Anselmo, California 94960-1949
4 Attorney for Defendants
GERALD ARMSTRONG and THE
5 GERALD ARMSTRONG CORPORATION

FILED

MAY 31 1994

HOWARD HANSON
MARIN COUNTY CLERK
BY C HARDING DEPUTY

6
7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF MARIN

RECEIVED

MAY 31 1994

10 CHURCH OF SCIENTOLOGY INTERNATIONAL,)
a California not-for-profit)
11 religious corporation,)
12 Plaintiff,)
13 vs.)
14 GERALD ARMSTRONG; MICHAEL WALTON;)
THE GERALD ARMSTRONG CORPORATION,)
15 a California for-profit)
corporation; DOES 1 through 100,)
16 inclusive,)
17 Defendants.)
18

No. 157 680 HUB LAW OFFICES

SEPARATE STATEMENT OF
REQUESTS FOR ADMISSION
AND RESPONSES IN DISPUTE

To Benz
5-31-94
Ha

Date: June 20, 1994
Time: 2:30 p.m.
Dept: Referee W.R. Benz
Trial Date: 9/29/94

19 Request for Admission No. 3:

20 That plaintiff and/or its agents in 1984 through 1986 at any
21 time took action to accuse Michael Flynn with attempting to have
22 cashed a check on an account of L. Ron Hubbard at the Bank of New
23 England.

24 Response to Request for Admission No. 3:

25 Plaintiff objects to this request for admission on the
26 grounds that it is (1) irrelevant to the subject matter of the
27 action, (2) interposed solely to harass, oppress and annoy the
28 plaintiff, and (3) vague, ambiguous and unintelligible as phrased.

COPY

1 Reason admission needed:

2 The request is relevant to the subject matter of the action,
3 interposed for legitimate discovery reasons, and very clear.
4 Armstrong contends that Scientology subjected Michael Flynn to a
5 campaign of "Fair Game" which included complex intelligence and
6 Black PR operations, and which resulted, as Scientology intended,
7 in Flynn's desire to get out of Scientology-related litigation, as
8 a defendant, plaintiff, attorney of record or co-counsel at almost
9 any cost. One of the operations Scientology ran against Flynn
10 involved accusing him in legal proceedings, including Armstrong I,
11 and in the international media of participating in, indeed
12 masterminding, the forgery of a \$2,000,000 check on one of
13 Hubbard's bank accounts. Flynn represented Armstrong. To get out
14 from under the fair game attacks and threat Flynn passed on
15 Scientology's duress to Armstrong, acting as Scientology's de
16 facto agent. Flynn told Armstrong that Scientology had ruined his
17 marriage, threatened his family and law practice, and attempted to
18 have him murdered. Armstrong had himself personal knowledge of
19 the organization's illegal policies and practices, and had himself
20 been the target of fair game attacks and threat. Flynn advised
21 Armstrong that he, Flynn, had to get out of the Scientology
22 litigation, including Armstrong's case, and stated that the
23 threats and attacks would continue if Armstrong did not sign the
24 subject settlement agreement. If what Armstrong claims was done
25 to Flynn by Scientology and what Flynn told Armstrong is true, the
26 subject settlement agreement was signed under duress, is invalid,
27 and Scientology's claim of damages owed by Armstrong, on which it
28 bases its claims in this action is invalid. Scientology's years

1 of acts against Flynn, therefore, have undeniable relevance to
2 this action. CSI did not demurrer to or move to strike
3 Armstrong's verified answer herein, which contains defenses based
4 on such acts, thus CSI's objections to this request for admission
5 are unfounded and obstructive. See, e.g., eleventh affirmative
6 defense (Duress and Undue Influence) in Armstrong's verified
7 answer. Moreover, Judge Thomas ruled in his order sustaining
8 CSI's demurrer to Armstrong's first amended cross-complaint that
9 the issues (concerning Armstrong's cause of action for declaratory
10 relief regarding the subject agreement based on duress, etc.) will
11 be determined either in the Los Angeles action or in this action.
12 The subject matter of this request, therefore, is already ordered
13 relevant in CSI's clearly interrelated lawsuits against Armstrong,
14 and to argue that this request should not be answered because it
15 is not relevant in either case, but certainly where there is a
16 September trial date, is not done in good faith. Furthermore,
17 Armstrong has filed a second amended verified cross-complaint
18 which is based on and includes a recitation of Scientology's fair
19 game acts against Flynn. Please, therefore reconsider your
20 position, and provide the requested admission.

21 Request for Admission No. 6:

22 That the Guardian's Office of Scientology staff used means to
23 deal with people the Guardian's Office perceived as enemies of
24 Scientology that were against the law.

25 Response to Request for Admission No. 6:

26 Plaintiff objects to this request for admission on the
27 grounds that it is (1) irrelevant to the subject matter of the
28 action, (2) interposed solely to harass, oppress and annoy the

1 plaintiff, and (3) vague, ambiguous and unintelligible as phrased.

2 Reason admission needed:

3 See reason for 3, above. Additionally, the language of this
4 request for admission is exactly what Scientology's leader David
5 Miscavige stated in his declaration executed February 8, 1994 and
6 filed in the Fishman case. (Armstrong responded by declaration to
7 Miscavige's accusations about him and CSI amended its Armstrong II
8 complaint to include a cause of action and claim for \$50,000 in
9 liquidated damages for the responsive declaration. The Armstrong
10 IV complaint is based on damages claimed by CSI in II.) Both
11 Miscavige and CSI are knowledgeable about the GO using illegal
12 means against its perceived enemies. Armstrong was judged in
13 Armstrong I to have been justified in sending Hubbard's archival
14 documents to his lawyers because of the threat of illegal means he
15 knew of by the GO. Scientology still maintains and still argues
16 in dead agent packs that Armstrong was not justified. At the same
17 time when it serves its other purposes it blames the GO for
18 criminal acts. Moreover, the same illegal practices and actions,
19 fair game, black PR, etc. have continued with the new Miscavige
20 regime and his new GO, the Office of Special Affairs. These
21 illegal practices have continued against Armstrong to this day,
22 including the illegal actions which resulted in the settlement
23 agreement, and the agreement itself. Thus Armstrong would be
24 perhaps equally justified in breaching the settlement agreement in
25 order to again defend himself. See, e.g., sixth affirmative
26 defense (Unclean Hands) in Armstrong's verified answer. If CSI
27 denies that the GO used illegal means against its perceived
28 enemies, such denial can be used to impeach Miscavige, who is both

1 CSI's managing agent and a cross-defendant herein. The objection
2 to this request for admission is evasive and unfounded. Because
3 the subject's relevance is manifest, the request cannot be
4 harassive, annoying or oppressive. Miscavige himself made this
5 charge, and it is sufficiently clear, the language being
6 Miscavige's.

7 Request for Admission No. 7:

8 That the Guardian's Office functions were taken over by Sea
9 Organization units, offices or organizations.

10 Response to Request for Admission No. 7:

11 Plaintiff objects to this request for admission on the
12 grounds that it is (1) irrelevant to the subject matter of the
13 action, (2) interposed solely to harass, oppress and annoy the
14 plaintiff, and (3) vague, ambiguous and unintelligible as phrased.

15 Reason admission needed:

16 See reason for 3 and 6, above. There has been a continuous
17 chain of intelligence, PR and legal functions without change of
18 any significant kind, pursuant to Hubbard's policies, orders and
19 practices. The new GO is a semi-autonomous unit as was the old
20 GO, which was an admittedly criminal enterprise. The new GO is
21 the secular arm and function of Scientology. This goes to all of
22 Armstrong's defenses which justify every action he has taken since
23 the 1986 settlement agreement. Plaintiff has no real reason to
24 hide the nature and form of its organization, especially that of
25 the organization sector which has waged an unending legal, public
26 relations and intelligence war on Armstrong since the settlement.
27 On the other hand, Armstrong has a legitimate right to know what
28 his accuser is. CSI has claimed that it is a religious

1 corporation, and has sought to obtain privileges in its litigation
2 involving Armstrong based on its status as a religion. Therefore
3 the sincerity in which it holds its religious beliefs is an issue.
4 Armstrong contends that the new GO, containing the legal, PR and
5 intelligence functions, and control of organization funds for
6 these purposes, is insincere in its publicly expressed beliefs.
7 There is a real controversy about who the plaintiff in this case
8 actually is, and plaintiff, whoever it is, should provide
9 discovery on this issue.

10 Request for Admission No. 8:

11 That Michael Flynn was considered an enemy of plaintiff.

12 Response to Request for Admission No. 8:

13 Plaintiff objects to this request for admission on the
14 grounds that it is (1) irrelevant to the subject matter of the
15 action, (2) interposed solely to harass, oppress and annoy the
16 plaintiff, and (3) vague, ambiguous and unintelligible as phrased.

17 Reason admission needed:

18 See reasons for 3, 6 and 7, above. Additionally this request
19 is relevant because Scientology has specific policies and
20 practices relating to the treatment of enemies, which policies and
21 practices cannot be deviated from by organization members on
22 penalty of extreme ethics punishment. Scientology's policies and
23 practices relating to its enemies have been judicially observed
24 and condemned. See, e.g., the Allard, Armstrong, Wollersheim
25 appellate opinions. Scientology literature contains countless
26 uses of the term "enemy," and such is well understood in the
27 organization. There is, therefore, no vagueness, ambiguity or
28 unintelligibility to the request. The request is central to

1 Armstrong's defenses of, inter alia, fraud, duress and unclean
2 hands, is very simple, and therefore is not at all harassive,
3 oppressive or annoying. The response is evasive and unfounded.

4 Request for Admission No. 9:

5 That Gerald Armstrong was considered an enemy of plaintiff.

6 Response to Request for Admission No. 9:

7 Plaintiff objects to this request for admission on the
8 grounds that it is (1) irrelevant to the subject matter of the
9 action, (2) interposed solely to harass, oppress and annoy the
10 plaintiff, and (3) vague, ambiguous and unintelligible as phrased.

11 Reason admission needed:

12 See reasons for 3, 6, 7 and 8, above. Pursuant to
13 Scientology's basic "ethics" policies, enemies are subject to a
14 suppressive person declare, and are fair game. They may be robbed
15 or injured by any means, tricked, sued, lied to or destroyed.
16 There has been complete continuity in Scientology's treatment of
17 "enemies" since the 1960's pursuant to the fair game doctrine.
18 Because of the fair game doctrine Armstrong was found by Judge
19 Breckenridge, affirmed on appeal, to have been justified in
20 sending the Hubbard documents, which proved the fraud Armstrong
21 had uncovered, to attorney Michael Flynn. Armstrong's knowledge
22 of Scientology's treatment of enemies is a significant factor in
23 why he signed the illegal and unenforceable "settlement" agreement
24 on which Scientology bases its claims in this action.

25 Request for Admission No. 10:

26 That Gerald Armstrong is considered an enemy of plaintiff.

27 Response to Request for Admission No. 10:

28 Plaintiff objects to this request for admission on the

1 grounds that it is (1) irrelevant to the subject matter of the
2 action, (2) interposed solely to harass, oppress and annoy the
3 plaintiff, and (3) vague, ambiguous and unintelligible as phrased.

4 Reason admission needed:

5 See reasons for 3, 6, 7, 8 and 9, above. That Armstrong is
6 considered by plaintiff organization an enemy is central to this
7 case and all of his defenses. Scientology has standard policies
8 and practices concerning how it treats its perceived enemies.
9 Indeed, the concept of "enemy," and who the enemy is central to
10 all of Scientology's policies, form, nature, social identity, and
11 way of dealing with the world, and specifically Armstrong. This
12 request is also relevant to the proceedings in this litigation
13 including discovery, since if Armstrong is an enemy, plaintiff
14 organization will consider itself justified in lying, cheating and
15 doing whatever is necessary to destroy him. The philosophy and
16 practice of fair game towards Scientology's enemies has been found
17 relevant in all organization-related cases when the issue has been
18 raised. It has been raised here.

19 Request for Admission No. 11:

20 That plaintiff entered into a contract with Michael Flynn
21 which prohibited him from representing any parties, including
22 Armstrong, in future litigation against plaintiff or any other
23 Scientology-related organizations, entities or individuals.

24 Response to Request for Admission No. 11:

25 Plaintiff objects to this request for admission on the
26 grounds that it is (1) irrelevant to the subject matter of the
27 action, (2) interposed solely to harass, oppress and annoy the
28 plaintiff, and (3) vague, ambiguous and unintelligible as phrased.

1 Reason admission needed:

2 See reasons for 3, 6, 7, 8, 9 and, 10 above. Additionally,
3 this request is relevant to this action because such a contract,
4 being illegal, will show an aspect of the duress underlying the
5 signing of the subject agreement, and will show the illegal
6 advantage Scientology sought in future litigation which
7 constitutes an obstruction of justice. It will also demonstrate
8 an ongoing abuse of process and is central to Armstrong's cross-
9 complaint herein. It will show, moreover, the far-reaching effect
10 of the fair game actions directed at Michael Flynn over the years
11 he represented anti-organization litigants including Armstrong.
12 Since Scientology, through CSI, wrote the contract which is the
13 subject of this request for admission, and engineered the
14 compromise of Flynn, which resulted in his signing said contract,
15 CSI's objections are evasive and baseless. The question is clear.
16 Because this subject is central to Armstrong's defense as well as
17 his cross-complaint asking a clear question about it is not at all
18 harassive.

19 Request for Admission No. 12:

20 That no enmity was ever generated by Armstrong at any time in
21 plaintiff or plaintiff's members.

22 Response to Request for Admission No. 12:

23 Plaintiff objects to this request for admission on the
24 grounds that it is irrelevant to the subject matter of the action
25 and vague, ambiguous and unintelligible as phrased.

26 Reason admission needed:

27 See reasons for 3, 6, 7, 8, 9, 10 and 11, above. CSI has
28 stated in its complaint in this action (p. 2, l. 8; l. 16) that

1 Armstrong generated enmity (and hatred, and strife) among
2 Scientologists and former Scientologists. If that charge is in
3 fact irrelevant to the subject matter of the action, then CSI
4 should strip such from its complaint. This charge is, however,
5 relevant, because CSI claims it is the very basis for the subject
6 agreement. "These provisions (that CSI accuses Armstrong of
7 breaching) were bargained for by plaintiff to put an end to the
8 enmity and strife generated by Armstrong once and for all."
9 (Complaint p. 2, l. 15-17). Armstrong claims that the purposes of
10 said provisions were to gain an unfair advantage in litigation, to
11 destroy evidence, to obstruct justice, to rewrite history, and to
12 carry on fair game against himself and others. Such purposes are
13 illegal, and if shown would dispose of this action. CSI's claim
14 that Armstrong generated enmity in its membership is a lie
15 pursuant to fair game. The request is not vague, ambiguous and
16 unintelligible. It is plaintiff's language, and Armstrong asks
17 that plaintiff answer his request for admission fully and
18 honestly.

19 Request for Admission No. 13:

20 That the following advice of L. Ron Hubbard is a part of
21 Scientology scripture: "The law can be used very easily to harass,
22 and enough harassment on somebody who is on the thin edge anyway,
23 well knowing that he is not authorized, will generally be
24 sufficient to cause his professional decease. If possible, of
25 course, ruin him utterly."

26 Response to Request for Admission No. 13:

27 Plaintiff objects to this request for admission on the
28 grounds that it is (1) irrelevant to the subject matter of the

1 action, (2) interposed solely to harass, oppress and annoy the
2 plaintiff, and (3) vague, ambiguous and unintelligible as phrased.

3 Reason admission needed:

4 See reasons for 3, 6, 7, 8, 9, 10, 11 and 12, above. This
5 request is relevant because Scientology claims that all of
6 Hubbard's writings relating to organization policies and
7 procedures must be followed to the letter. If Hubbard's policies
8 and procedures, no matter how antisocial or repugnant, are not
9 followed to the letter the non-complying Scientologist is subject
10 to severe "ethics" penalties, up to and including being labelled a
11 "suppressive person" targeted as "fair game." In an effort to
12 shield itself from liability for carrying out such policies and
13 procedures against its victims and critics, Scientology calls even
14 the most reprobative of temporal policies "scripture." The policy
15 in question is basic to Scientology's litigation practices
16 generally, and its use of litigation against Armstrong
17 specifically. As such, discovery relating to the policy is
18 relevant to Armstrong's defense and his cross-complaint for abuse
19 of process. The request is a direct quote of Hubbard, quite
20 clear, altogether unambiguous and stated in plain English.

21 Request for Admission No. 21:

22 That Armstrong did not begin in February 1990 to breach the
23 settlement agreement.

24 Response to Request for Admission No. 21:

25 Plaintiff objects to this request for admission on the
26 grounds that it is burdensome and oppressive. See response to
27 Request for Admission No. 1. [Denied.]

28

1 Request for Admission No. 23:

2 That plaintiff has not been damaged in any way or manner
3 whatsoever by any alleged breaches of the Settlement Agreement by
4 Armstrong at any time.

5 Response to Request for Admission No. 23:

6 Plaintiff objects to this request for admission on the
7 grounds that it is irrelevant to the subject matter of the action.

8 Reason admission needed:

9 See reasons for 3, 6, 7, 8, 9, 10, 11, 12 and 13, above.
10 There must be a reasonable relationship between liquidated and
11 actual damages, which relationship requires proof. McCarthy v.
12 Tally, (1956) 45 C.2d 577, 586, 297 P.2d 950. What must be proved
13 is the impracticability of fixing the actual damage and that the
14 sum agreed to (per CSI, \$50,000.00 per Armstrong utterance, and
15 nothing per CSI utterance) represented a reasonable endeavor to
16 ascertain what such damages would be. Armstrong has maintained
17 throughout the post-settlement litigation that no endeavor was
18 made to ascertain from him what Scientology's damages should be
19 whenever he speaks its name or talks to someone about seventeen
20 years of his life. He has also maintained that the actual damages
21 to CSI or any other Scientology entity have never been
22 impracticable to calculate and are in all circumstances zero.
23 Defendant seeks information with this request to prove this fact.
24 Moreover, if it is shown that actual damages for each alleged
25 breach is indeed zero it will support Armstrong's position that a
26 condition to enforceability of liquidated damages -
27 impracticability of fixing actual damages - is not met. If there
28 is no reasonable relationship, the claim of several million

1 dollars in liquidated damages must fall. If there are no monetary
2 damages owed by defendant, there is no claim. A claim is a
3 prerequisite to maintaining a cause of action for fraudulent
4 conveyance. Therefore, this information is relevant enough to
5 potentially dispose of this action completely. Defendant can
6 invalidate the liquidated damages clause by establishing that the
7 provision was unreasonable under the circumstances existing at the
8 time the "agreement" was made. All the circumstances are
9 considered in determining unreasonableness. (Law. Rev. Com.
10 Comment to C.C.P. Sec. 1671(b) CSI's objection, therefore, is
11 unfounded. Armstrong also maintains that by speaking and
12 exercising his Constitutional rights he was acting pursuant to
13 Scientology's own "creed" which states that "all men have
14 inalienable rights to think freely, to talk freely, to write
15 freely their opinions and to counter or utter or write upon the
16 opinions of others.....And that no agency less than God has the
17 power to suspend or set aside these rights, overtly or covertly."
18 Armstrong maintains, moreover, that Scientology and its members
19 were not injured by his following that part of Scientology's own
20 creed, but that Scientology and Scientologists are injured by the
21 efforts of its leadership to covertly and overtly suspend or set
22 aside that right. Armstrong maintains that God has not suspended
23 or set aside his rights, and indeed He urges Armstrong to speak
24 and in fact speak out on behalf of those individuals whose similar
25 inalienable rights Scientology's leadership has sought to suspend
26 or set aside. CSI has claimed in its pleadings filed in this
27 action and the underlying Los Angeles action that it is a
28 "religious corporation," and claims, moreover, the special

1 privileges in litigation granted to religions. The sincerity of
2 the persons forming the new Guardian's Office (the Office of
3 Special Affairs, or OSA), the entity which interfaces with
4 Armstrong and runs the organization's litigation and its other
5 secular activities, as to the organization's claimed beliefs is
6 therefore relevant. Armstrong contends that these people, by
7 attempting through this litigation to usurp God's Function,
8 demonstrate the insincerity of their publicly pronounced beliefs.
9 Armstrong has maintained from August, 1990, the time of his
10 renunciation, that he was guided therein by God.

11 DATED: May 31, 1994

HUB LAW OFFICES

12
13
14 By: 

FORD GREENE
Attorney for Defendant and
Cross-Complainant
GERALD ARMSTRONG

15
16
17
18
19
20
21
22
23
24
25
26
27
28